

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

AT BECKLEY

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 5:23-CR-00188

CHAD LESTER,
Defendant.

**DEFENDANT CHAD LESTER'S MOTION TO
CONTINUE TRIAL**

Defendant Chad Lester, by counsel, hereby moves the Court to continue trial of this action from December 10, 2024, for a period of 30 days on the following grounds:

1. The indictment herein was returned in late 2023. Defendant was charged along with five other correctional officers, all of whom have pleaded guilty. Two other correctional officers previously pleaded guilty to informations.
2. Trial dates have been extended multiple times on various co-defendants' motions.
3. The Government has produced a large volume of discovery materials, in seven productions provided in flash drives containing compressed files. Production Number 6 was delivered to undersigned counsel on November 25, 2024 and Production Number 7 was delivered this date.
4. The discovery materials contain videos, audio recordings, and an estimated approximate number of 10,000 plus pages of printed material.
5. Since his arrest Defendant has been detained in the Carter County Detention Center (CCDC). CCDC is approximately 80 miles from Charleston and over 100 miles from Clendenin, WV, counsel's office since May 1, 2024.

6. Counsel regrettably avows that a brief extension into January 2025 is necessary for counsel to be fully prepared and to provide effective assistance of counsel. Counsel has attempted to perform tasks necessary to the representation and to adhere to the Court's schedule. Counsel's attempts to comply have been frustrated by several factors.
 - a. Counsel left the firm of Carey, Douglas, Kessler, and Ruby PLLC effective April 30, 2024.
 - b. Counsel continued representing clients in this case and one other, with an office in his Clendenin residence.
 - c. For over 46 years counsel was employed in government positions and law firms that had excellent resources, including staff. As a consequence, counsel was versed only in the basics of modern technology. Upon opening his solo practice counsel encountered numerous difficulties using the computer and printers purchased for his continued two client practice.
 - d. Counsel continued to represent Mr. Lester as a solo practitioner.
 - e. Counsel has expended a considerable sum paying two separate IT contractors for assistance, yet still has not effectively mastered the same.
 - f. Counsel represents that the government has been extremely helpful in attempting to aid counsel with the many technical problems encountered.
 - g. In addition, counsel's wife of over 33 years is undergoing treatment for ovarian cancer. She was diagnosed in January 2022 and is currently undergoing the fourth type of chemotherapy prescribed. She also has a significant visual loss and so has not driven a car in about three years. Due to her illness, counsel assumed most domestic chores including preparing all meals and other

household tasks. Counsel drives his wife to numerous appointments. She has been under the care of oncologists in Charleston and Cleveland, Ohio. The assistance and care for his wife has consumed much of counsel's time, on a daily basis.

- h. Recently John A. Kessler has joined in for Mr. Lester's defense. Unfortunately, counsel asserts a brief continuance is necessary to assure Mr. Lester effective assistance.
- i. Undersigned counsel has discussed these issues with the Government.
- j. Counsel fully intended to proceed to trial December 10, but now reluctantly states he has failed in accomplishing the task.

Mindful of the Court's need to maintain its schedule, and with all respect to the Government and its witnesses, counsel nevertheless believes a 30-day continuance is necessary. Mr. Lester will file a written waiver for the Speedy Trial Act.

WHEREFOR, Defendant respectfully moves the Court to grant the continuance prayed for herein.

Dated this 4th day December 2024.

/s/ S. Benjamin Bryant
S. Benjamin Bryant (WVSB No. 520)

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 4th day of December 2024, the foregoing “Defendant Chad Lester’s Motion to Continue Trial,” was served using the Court’s CM/ECF system, which will send notification of such filing to the following CM/ECF participants:

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S. Benjamin Bryant (WVSB No. 520)